

Congress of the United States
Washington, DC 20515

December 22, 2022

The Honorable Gretchen Whitmer
Governor of Michigan
P.O. Box 30013
Lansing, MI 48909

Dear Governor Whitmer,

In recent years, the U.S. Congress has taken several actions to protect Americans' privacy and security from the threats posed by the Chinese Communist Party. However, states also have the responsibility and opportunity to protect themselves. Accordingly, we write to urge you to ban the use of TikTok on all Michigan state issued devices, including all state-funded devices used by educational institutions. As part of this directive, we urge you to explore additional actions¹ that would prohibit the use of TikTok on the personal devices of employees of the state. Indeed, we hope you will act on our request by deleting the TikTok account associated with you and the office of the Governor, BigGretchWhitmer.

TikTok is owned by parent company ByteDance, which is headquartered and operated in Beijing, China. Given Chinese law, they are legally obligated to share information with the Chinese Communist Party (CCP). The app can be used by the CCP to collect personal and location information, as well to promote CCP propaganda and censor content. A report this October found that ByteDance planned to use the TikTok app to monitor the personal location of some specific American citizens.²

Since its rise in popularity in 2019, officials across the political spectrum have raised concerns about the company's CCP affiliations and potential national security threats. Subsequent investigations have revealed these concerns were warranted. Despite TikTok executives' sworn testimony to the contrary³, leaked audio from more than 80 internal TikTok meetings revealed that China-based employees of ByteDance have repeatedly accessed nonpublic data about U.S. TikTok users.⁴

In August of 2020, former President Donald Trump issued an executive order that would impose new limits on TikTok and set a 45-day deadline for an American company to purchase the app's U.S. operations.⁵ A deal was delayed by extensive legal challenges from the company. Upon

¹ https://gov.texas.gov/uploads/files/press/Patrick_Phelan_Letter.pdf

² <https://www.forbes.com/sites/emilybaker-white/2022/10/20/tiktok-bytedance-surveillance-american-user-data/?sh=52adb9c56c2d>

³ <https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>

⁴ <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-tapes-us-user-data-china-bytedance-access>

⁵ <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-addressing-threat-posed-tiktok/>

taking office, President Joe Biden rescinded the order, opting to begin a review to address the security risks posed by TikTok and other apps based in adversarial nations.⁶

While the Biden administration's review is ongoing, the federal agencies and some states are already taking action. In fact, the use of TikTok on federal-government devices is already prohibited by agencies like the U.S. Department of State, the Department of Defense, and the Department of Homeland Security. This month, 15 additional states have barred public employees from using TikTok on government devices, including Alabama, Georgia, Idaho, Iowa, Maryland, Montana, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia. Nebraska previously led the charge by banning its use in 2020 and three other states have taken steps to remove the app from some government devices.

In Congress this week, S. 1143, No TikTok on Government Devices Act, which bans the use of the app on all federal devices, was included in the omnibus.⁷ Last week, Sen. Marco Rubio (R-F) and Reps. Mike Gallagher (R-WI) and Raja Krishnamoorthi (D-IL) also introduced bipartisan legislation that would force the administration to "block and prohibit" transactions made by TikTok and ByteDance.⁸

Closer to home, on December 2, FBI Director Chris Wray spoke at the University of Michigan's Gerald R. Ford School of Public Policy where he raised serious national security concerns surrounding TikTok. Director Wray warned that China's influence over the app gives them the ability to manipulate content for influence operations, collect user data for traditional espionage, and access device software. He concluded, "All of these things are in the hands of a government that doesn't share our values, and that has a mission that's very much at odds with what's in the best interests of the United States."⁹

Ironically, the University of Michigan and countless other universities operate very active TikTok accounts. There have been increasing concerns about the Chinese Communist Party's efforts to exert their malign influence on our institutions of higher education. Despite this, higher education publications and institutions continue to encourage using TikTok for student engagement, recruitment, and admissions.¹⁰ Equally concerning, educators at the K-12 and university levels are using TikTok in the classroom to teach students.¹¹ These efforts pose serious risks to student privacy and increase their exposure to potential foreign influence operations by an adversarial government. Encouraging the use of this app in our education system is irresponsible, which is why we believe it must be addressed as part of the state's efforts to bar use of the app.

⁶ https://www.wsj.com/articles/tiktok-national-security-deal-faces-more-delays-as-worry-grows-over-risks-11670342800?mod=hp_lead_pos6&utm_source=Sailthru&utm_medium=email&utm_campaign=12/7/22%20%20Punchbowl%20News%20AM&utm_term=Punchbowl%20AM%20and%20Active%20Subscribers%20from%20Memberful%20Combined

⁷ <https://www.foxbusiness.com/politics/tiktok-ban-gov-devices-included-massive-omnibus-bill>

⁸ <https://www.rubio.senate.gov/public/index.cfm/2022/12/rubio-gallagher-introduce-bipartisan-legislation-to-ban-tiktok>

⁹ <https://apnews.com/article/technology-china-united-states-national-security-government-and-politics-ac5c29cafaa1fc6bee990ed7e1fe5afc>

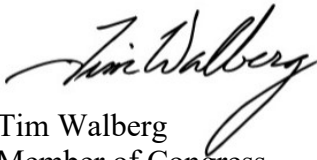
¹⁰ <https://www.timeshighereducation.com/hub/tiktok/p/how-universities-can-use-tiktok-your-questions-answered-part-one>

¹¹ <https://www.foxnews.com/media/experts-warn-about-dangers-tik-tok-being-used-schools>

We urge you to follow the other states' lead and examine your own legal authorities to ban TikTok from Michigan state issued devices. This is not a partisan issue, but one of national security, and indeed the security and privacy of all Michiganders. We implore you to protect Michigan employees and our educational institutions from the threat of CCP influence, data collection, and control.

Thank you for your time and consideration of this request.

Sincerely,



Tim Walberg
Member of Congress



Fred Upton
Member of Congress



Bill Huizenga
Member of Congress



John Moolenaar
Member of Congress



Jack Bergman
Member of Congress



Lisa McClain
Member of Congress



Peter Meijer
Member of Congress